

Amendment #1: Structures and Buildings

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town of Strafford Zoning Ordinance as follows?

Amend the Section 1.14, Definitions, of the Zoning Ordinance to clarify the definitions of “Accessory Buildings, Structure, or Use”; “Structure”; and “Building”; and to correct citations of these terms throughout the Zoning Ordinance.

1.1 Preamble

In order to preserve the beauty and rural appearance of our Town, to protect the health, safety and general welfare of the community, to provide adequate areas between structures and various rights-of-ways, to protect property values, to provide adequate public utilities and other public requirements, the following Ordinance is hereby adopted by the voters of the Town of Strafford, New Hampshire in accordance with Chapter 31, sections 60-89 (recodified as Chapters 673 to 677) of the New Hampshire Revised Statutes Annotated, as amended. (9-8-1970)

1.14.12 Accessory Building, Structure, or Use

A building or structure incidental and subordinate to the principal building, or a use incidental and subordinate to the principal use, and occupying the same lot.

1.14.13 Structure

Anything placed, constructed, or erected, the use of which demands its permanent location on the land, or anything attached to something permanently located on the land, including but not limited to buildings, mobile homes, radio towers, sheds not meeting requirements in Article 1.3.6, storage bins, generators affixed to the ground, storage tanks, in-ground swimming pools, ground-mounted solar, and tennis courts. Temporary structures do not require a building permit but must meet all provisions of this Ordinance.

Note: The following are governed by other town regulations and/or by state statutes and are not herein defined as structures:

1. *Subsurface waste disposal systems;*
2. *Water wells;*
3. *Fences and stone walls;*
4. *Driveways; and*
5. *Underground fuel storage tanks (but see NFPA requirements).*

1.14.15 Building

1.2A structure, including all integral parts thereof, intended for housing or for some purpose of assembly, business manufacture, institutional use, storage, ornamentation, or shelter to persons, animals or chattels. General Provisions

1.3.4

Except for the purpose or in connection with the construction of a structure for which a building permit has been issued, or for grading on the same site with material removed, or for other non-commercial uses, no person shall remove sod, loam, sand, gravel, clay and stone for commercial purposes without first obtaining a permit from the Planning Board in accordance with the existing laws of the State of New Hampshire, Reference--RSA 155-E as amended. A public hearing must be held prior to granting a permit, with said hearing to be held no later than thirty (30) days from the date of application for said permit. A permit will only be granted with a restriction that the site shall be restored through landscaping and revegetation. (amended 3-14-1989)

1.3.5

No permit to build will be issued by the Building Inspector or Selectmen until a scaled plat, or plan, showing the location of the structure or building, appurtenances and water and sewage systems in relation to the property lines and distance from property lines to any structures on adjacent lots is presented with the application for the permit, and no building permit shall be issued without a driveway permit. No occupancy shall occur until all Town regulations are met, as certified by the Building Inspector or the Selectmen. (amended 3-8-1988)

1.3.6

No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved, or altered except in conformity with the provisions of this ordinance. Storage sheds up to one-hundred (100) square feet that are not on permanent foundations shall not require a building permit, but shall be located in conformity with the remaining provisions of this Ordinance, including minimum setback distances. (amended 3-8-1988)

1.4 Agricultural-Residential District:

Article 1.4.1 Land Requirements

- B. Front Setback** – Between the boundary of the abutting highway or street right-of-way and the extreme front of any structure there shall be a distance of not less than forty (40) feet. A corner lot must comply with this front setback on both sides which abut the highway or street right-of-way. (amended 3-8-1988)

- C. Side and Back Setbacks** – A structure shall not be located nearer than twenty-five (25) feet from the property lines of any abutter and not nearer than fifty feet from any structure on an abutter's property. (amended 3-14-2006)

Article 1.4.4 Wetland Conservation Overlay District:

Section 5.0 Exemptions:

- a. An existing structure within a buffer area may be repaired and/or replaced provided the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original structure.

1.5 Special Exceptions:

1.5.1

- B. Sufficient acreage shall be included to allow the following setbacks:
1. In the front, not less than seventy-five (75) feet from a right-of-way to any structure-or not less than twenty-five (25) feet from any parking lot having both an exit and an entrance and with grass and/or beautification in the buffer area.
 2. Side and rear: Not less than fifty (50) feet from a structure or parking lot to the lot line.

1.6 Mobile Homes:

1.6.1

A single mobile home or single trailer may be located on any lot in Strafford provided it meets all frontage, front, side, and back setbacks, minimum land area, and sewerage disposal requirements that are specified in this Ordinance for building and lots located in Strafford.

Amendment #2: Frontage and Minimum Land Area

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town of Strafford Zoning Ordinance as follows?

Amend Article 1.14.5 the definition of Frontage and Article 1.4.1.D Minimum Land Area provisions. The proposed amendments to the frontage definition clarify the road type on which a lot must border, that the same provisions apply to both private and public roads, and that the frontage must be fully within the Town of Strafford. The amendments to the Minimum Land Area provisions clarify the requirements for building on lots that do not meet Strafford's minimum land area specifications.

1.14.5 Frontage

- A. Frontage shall mean the length of the lot bordering on a Class V town road as defined in NH RSA 229:5, or a road in a subdivision approved by the Planning Board, or a private road that meets Class V road specifications as defined in the Strafford Subdivision Regulations, Article 2.6.5. Additions to Class V roads such as private road spurs or driveway segments, even if built to town specifications, do not count towards the minimum frontage requirement in Article 1.4.1.

Developments on private roads are subject to the same frontage requirements as those on public roads, and private roads shall conform to the requirements of the Strafford Subdivision Regulations, Article 2.6.5, and must adhere to RSA 674:41 where applicable.

- B. If the required amount of frontage pursuant to Article 1.4.1 for the lot lies partially within the adjacent municipality, or frontage for the lot lies fully within the adjacent municipality (which frontage satisfies the requirements of that municipality), the minimum frontage requirement on Article 1.4.1 is not required, however, for **new lots** there must be access to the portion of the **new** lot that lies within Strafford from a State-maintained or Strafford town-maintained road or from a road within a subdivision approved by the Strafford Planning Board.

1.4 Agricultural-Residential District:

Article 1.4.1 Land Requirements

- D. **Minimum Land Area** – A lot shall contain not less than 2 acres of land which is suitable for development (87,120 square feet) with an additional 20,000 square feet of land which is suitable for development for each additional family unit under a common roof, except as set forth in parts (2) and (3) of this subsection. (amended 3-9-1999)
1. There shall be no more than one residential structure and one accessory dwelling unit per lot. (amended 3-14-2006)
 2. A lawful residential building may be constructed and used on a lot having less than the prescribed minimum area or frontage (provided that all other provisions of this Ordinance are complied with) if the lot, prior to the date of adoption or amendment of the applicable requirements of this Ordinance, conformed to the then existing area and frontage requirements of this Ordinance and is part of a subdivision vested under RSA 674:39 or RSA 676:12, V.

3. Notwithstanding Section 1.7, a non-conforming lot as to area may be used for a lawful permitted use under this Ordinance if:
 - a. The lot has frontage in the Town of Strafford on a Class V, or better road; private road frontage may suffice if the road is currently maintained to Class V standards and the owner(s) have a legally binding agreement to continue to maintain the private road that has been recorded at the Strafford County Registry of Deeds as well as a signed Release and Waiver of Liability pursuant to RSA 674:41, **and**
 - b. All other provisions of this ordinance are met, **and**
 - c. For any residential use, or commercial or industrial use requiring on-site permanent waste water systems, the owner obtains a New Hampshire State approved, year-round, septic system design without waiver from encroachment, well setback, or slope requirements.
4. The minimum lot size for any building lot, any part of which will be located over 800 feet above sea level, shall be 5 acres (effective 3-13-79, and amended 3-8-2005).

Amendment #3: Non-Conforming Uses

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town of Strafford Zoning Ordinance as follows?

Amend Article 1.7 Non-Conforming Use to clarify when Special Exceptions or Variances are required, or when neither is needed. Also, it specifies the duration of permits, allowance to rebuild destroyed non-conforming structures, and that permitted non-conforming construction must comply with state laws and town ordinances.

1.7 Non-Conforming Use

Article 1.7.1 Non-Conforming Use, Lot, or Structure.

1. Any existing non-conforming use, lot, or structure, may continue in its present use except that such non-conforming use shall not be changed, extended, or enlarged, nor shall the dimensions of any non-conforming lot be reduced, nor the dimensions of any non-conforming structure be changed, expanded, or relocated, except by approval of the Board of Adjustment as a Special Exception, or of a Variance, according to the following conditions:
 - a. Discontinuing a non-conforming use for one year shall void any vested rights to continue the non-conforming use, including the siting of a non-conforming structure. Normal, seasonal cessation of a use, or a temporary discontinuance for purposes of maintenance (not to exceed 18 months), or the active marketing of a property, shall not be included in calculating the period of discontinuance.
 - b. Any existing structure which does not conform to the setback and buffer requirements set forth in **Articles 1.4.1 B and C or Article 1.4.4, Section 3** may be altered, enlarged, or relocated by Special Exception provided that the alteration, enlargement, or relocation does not increase the non-conformity with the Ordinance and that all state and local laws and regulations are adhered to.
 - c. If the non-conformity is eliminated by the proposed action, then a Special Exception is not required.
 - d. If the non-conformity is expanded by the proposed action, then a Variance is required.
 - e. An expansion of a non-conforming structure may include, but is not limited to, any one or all of the following: enlargement of the footprint, increase in height, construction of a full basement, increase in floor space, or the creation of additional living space.
2. Special Exceptions may be granted by the Board of Adjustment, upon submission of a site plan or a building plan, provided that the following requirements are met:
 - a. A non-conforming use, lot or structure shall not be made more non-conforming.
 - b. No change or expansion of use shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, that would adversely affect abutting or nearby property values, which would cause any hazard to health or safety, or which would adversely affect the character of the area in which the proposed use will be located.

- c. That the use conforms with all other applicable regulations governing the district where located.
 - d. That the proposed use has an adequate water supply and sewerage system and meets all applicable requirements of the State of New Hampshire.
- 3. Any non-conforming structure which is destroyed by fire or rendered unusable or uninhabitable by an act of nature or abandonment may be repaired, rebuilt or replaced with a structure having the same dimensions in the same location provided that all applicable state and local laws and regulations are adhered to. Repairs, rebuilding or replacement must commence within one year of the occurrence of the event and must be completed within one year of the start date. In order to maintain non-conforming status, one-year extensions may be granted by the Board of Selectmen or their designee, for good cause shown.
- 4. A non-conforming lot which does not meet the requirements of this Section 1.7, or Section 1.4.1.D.3 may be used for building purposes only if a Variance is granted, and the owner complies with all other requirements of applicable Town and State laws and regulations.
- 5. In order to protect water quality, any use or construction permitted under this Article must comply with all applicable Town and State laws and regulations and specifically the Comprehensive Shoreland Protection Act (RSA 483-B:10 and :11) and the Town of Strafford Stormwater Management Regulations.
- 6. Other Requirements: The granting of any Special Exception by the Board shall not exempt the applicant from any other portion of this Ordinance not specifically ruled upon by the Board or specifically set forth as an exception in this particular case from a provision of this Ordinance. Any further appeal to the Board, or any change to any required limitations or special conditions imposed by the Board in authorizing a Special Exception, shall be considered a new case.
- 7. Public Hearing. The Board shall, within 45 days, hold the hearing of an appeal and before any hearing is given either on an appeal or an application for Variance or Special Exception of the Zoning Ordinance, notice shall be given to all abutting owners or representatives of interest as required under state statutes.
- 8. If the Board of Adjustment approves an application for a Special Exception, it may impose relevant conditions as serve the purposes of the ordinances, which may include but is not limited to modification of the design of any building involved in the proposed use, limitation of the number of occupants or employees, restrictions in the manner and/or time of operation and use, and of the size or extent of facilities. (amended 3-13-2007)